

**Appl. No.** : 10/741,537  
**Filed** : December 19, 2003

REMARKS

This is in response to the Office Action mailed December 2, 2005.

Claims 15-16 and 32-41 remain pending. Applicant has amended Claims 15, 32, 34 and 36 herein.

Objections to the Specification

By that Action, the Examiner objected to the title and abstract because they were not directed to the claimed invention. Applicant has requested amendment of the title and abstract herein.

Claim Rejections Over Polzer and Polzer in view of Holbrook

The Examiner rejected Claims 15, 32-34 and 38-41 under 35 U.S.C. 102(b) as allegedly anticipated by the disclosure of German Patent No. DE 42 13 497 to Polzer ("Polzer"), and rejected Claims 16 and 35-37 under 35 U.S.C. § 103(a) as unpatentable over Polzer in further view of Holbrook et al. (USPN 6,176,173).

Applicant submits that the invention defined by the current claims is neither anticipated by, or obvious in view of, the Polzer reference for the following reasons. The Polzer reference discloses "U"-shaped burners which have the undesirable prior art configuration which the present invention overcomes, namely that where gas is delivered to the "U" portion of the burner, resulting in uneven gas distribution and hot spots.

In particular, the Polzer reference discloses a grill having a plurality of U-shaped burners (2, 3, 4). Gas for release from the burners for combustion is delivered to each burner solely through a straight delivery pipe(16, 17, 18) which leads to each burner. These delivery pipes lead to the "U"

**Appl. No.** : 10/741,537  
**Filed** : December 19, 2003

portion of the respective burner (2, 3, 4), so gas is unevenly distributed along the length of the legs of the burners (i.e. there will be high pressure at, and thus higher heat, at the top of the legs near the “U” portion, than at the ends remote therefrom.

Polzer also discloses a connecting pipe (see e.g., 24) that is open on both sides. This connecting pipe merely acts as a bridge for conducting the gas from the area of one U-shaped burner to another. The specific examples of the connecting pipes in the Polzer reference are directed to “a bridge for conducting gas” from one U-shaped burner to an independent and adjacent U-shaped burner (see English abstract in conjunction with Fig. 1). As illustrated in Figure 2 of Polzer, the connecting pipe (24) is spot welded to the burner leg in an orientation where the center lines of the connecting pipe and the burner leg are not aligned (see English abstract). In this configuration, the illustrations make clear that the connecting pipe (24) does not deliver gas from the supply conduits (16, 17, 18) to the interiors of the “U” shaped burners, but rather transfer burning gas from one U-shaped burner to the vicinity of an adjacent U-shaped burner. Polzer indicates that this configuration provides “simple reliable ignition of required number of gas burners.” In other words, the connecting pipe (24) is used to deliver burning gas to the exterior of an adjacent burner leg, so that gas delivered to the interior of that burner leg (by the supply conduit 16, 17, 18) will ignite when it is expelled from the burner leg.

Applicant asserts that Polzer does not teach or suggest the gas delivery configuration claimed in independent Claims 15 and 32. Claim 15 is directed to burner including a “U” shaped burner conduit having first and second spaced legs, a gas delivery conduit and first and second arms extending between the delivery conduit and the legs, the first and second arms defining closed gas delivery paths, whereby gas provided to an inlet end of the delivery conduit is delivered to the burner

**Appl. No.** : 10/741,537  
**Filed** : December 19, 2003

conduit solely at the first and second legs via the first and second arms. Claim 32 is directed to a burner conduit having a first leg and a second leg and a curved connecting portion and comprising a wall defining an interior passage, and a gas delivery conduit comprising a central section having a first end comprising a gas inlet and first and second arms extending outwardly from the central section, the first arm connected to the first leg of the burner conduit and defining a fluid path from the central section to the interior passage through the first leg, and the second leg connected to the second leg of the burner conduit and defining a fluid path from the central section to the interior passage through the second leg, the central section defining a gas flow passage from the inlet to the first and second arms and the first and second arms defining closed gas flow passages therethrough to the first and second legs of the burner conduit, whereby gas is solely delivered to the burner conduit by delivering gas to the inlet of the gas delivery conduit and delivering that gas through the first and second arms of the gas delivery conduit to the first and second legs of the burner conduit.

These claimed configurations are contrary to Polzer where the sole gas delivery path to the interior of each burner is a single delivery line leading to the "U" shaped section thereof (as indicated above, Polzer additionally discloses delivering burner gas to the exterior of the burners for ignition purposes, but not the gas delivery path as claimed). As indicated in the application, the claimed configuration is advantageous over configurations such as Polzer, in that gas is evenly distributed to the legs of the burner, thus resulting in even heat distribution (i.e. elimination of hot spots, as results with a configuration such as Polzer where the gas is delivered to a single spot remote from the legs of the burner).

Applicant asserts that Claims 16 and 33-41 are allowable for at least the reason they depend from an allowable independent claim. In addition, Applicant asserts that the prior art does not teach

**Appl. No.** : 10/741,537  
**Filed** : December 19, 2003

or suggest various of the limitations of those claims. For example, Claim 33 defines the location of apertures on each burner leg as facing each other. Applicant asserts that this configuration is contrary to that disclosed in Polzer.

With reference to the rejection of the Claims 16 and 35-37 over Polzer in view of Holbrook, it is respectfully submitted that the invention defined by the current claims is neither anticipated by , nor obvious over, the disclosure of the Polzer and Holbrook references for the following reasons. First, as indicted above, Applicant asserts that the primary reference (Polzer) does not disclose the present invention as defined by the current claims.

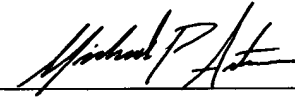
In addition, however, Applicant asserts that Holbrook does not disclose the diverter plate as claimed in these claims. For example, relative to Claim 36, Applicant asserts that Holbrook does not disclose the “U” shaped diverter as claimed.

**Appl. No.** : 10/741,537  
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Summary

In view of the above remarks, it is respectfully submitted that this application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this case for issue. If any matters remain outstanding regarding further prosecution of this application, the Examiner is invited to contact the undersigned by telephone.

Respectfully submitted,

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